

**Notice of Allowability**

Application No.

09/855,148

Examiner

Thoi V. Duong

Applicant(s)

SASAKI, TAKESHI

Art Unit

2871

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to THE PRE-APPEAL BRIEF filed May 05, 2006.
2. ☒ The allowed claim(s) is/are 2-4 and 6-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### DETAILED ACTION

1. This office action is in response to the pre-appeal brief filed May 05, 2006.

Claims 1 and 5 were cancelled and claims 2-4 and 6-9 are currently pending in this application.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the title: change the title as "Method for fabricating a liquid crystal panel comprising spacers having an initial size larger than an appropriate cell gap."

In the claims:

Claim 3: in line 1, after "A" delete "fabrication"; and after "method" delete "of" and insert --for fabricating--.

Claim 4: in line 1, after "A" delete "fabrication"; and after "method" delete "of" and insert --for fabricating--.

Claim 6: in line 1, after "A" delete "fabrication"; and after "method" delete "of" and insert --for fabricating--.

### *Allowable Subject Matter*

3. Claims 2-4 and 6-9 are allowed.

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The following is an examiner's statement of reasons for allowance: none of the prior art of record fairly suggests or shows all of the limitations as claimed. Specifically,

Re claims 2 and 7-9, none of the prior art of record discloses, in combination with other limitations as claimed, a method for fabricating a liquid crystal display panel by the liquid crystal falling drop method comprising arranging first spacers on the display area, said first spacers having an initial size larger than an appropriate cell gap, wherein at least one of said first spacers is elastically deformed from an initial size thereof to a size corresponding to said appropriate cell gap before the seal member is deformed, and wherein a relative value of an initial average size of said first spacers to said appropriate cell gap is within a range of 102.9% to 107.0%.

The most relevant reference, US 6,086,443 to Shin et al. (Shin), fails to disclose or suggest a relative value of an initial average size of said first spacers to said appropriate cell gap within a range of 102.9% to 107.0%. Shin suggests the over-sized spacers having the diameter larger than the goal cell gap by 10-30% or 110-130% greater than that of the desired cell gap (col. 4, lines 60-62). This range is beyond the claimed range of 102.9% to 107.0%.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

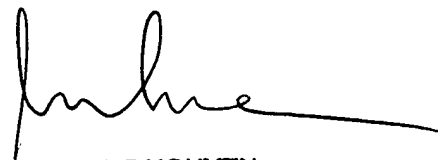
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms, can be reached at (571) 272-1787.

Thoi Duong



7/14/2006



**DUNG T. NGUYEN  
PRIMARY EXAMINER**